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JS-6

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

10
11 MOROCCANOIL, INC., a California
corporation,

12 Plaintiff,

13 v.

14 MOROCCAN GOLD, LLC, a New
Jersey limited liability company;
15 FANTASIA INDUSTRIES CORP, a
New York corporation; and DOES 1
16 through 10, inclusive,

17 Defendant.
18

CASE No. CV08-05356 RGK (PLAx)

**[PROPOSED] FINAL JUDGMENT
CONTAINING PERMANENT
INJUNCTION**

Trial Date: September 15, 2009

Hon. R. Gary Klausner

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22 The parties submitted a Stipulation requesting entry of a Final Judgment
23 containing a Permanent Injunction.

24 The Court granted a Motion for Preliminary Injunction in December 2008.
25 After studying the pleadings submitted by the parties, the evidence presented and the
26 applicable law, the court believes this is a case in which the entry of a Final Judgment
27 including Permanent Injunction is in the interests of justice.

1 ACCORDINGLY, IT IS ORDERED AND ADJUDICATED THAT:

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3 1. Plaintiff's mark MOROCCANOIL is a valid, protectable trademark that is
4 registered (No. 3,478,807) on the Principal Register in the United States Patent and
5 Trademark Office. The mark MOROCCANOIL is valid, enforceable and suggestive,
6 and has otherwise obtained secondary meaning.

7 2. Defendants, their officers, agents, servants, employees, suppliers,
8 distributors, attorneys, and all those in active concert or participation with any of the
9 Defendants are permanently restrained and enjoined from distribution of, trading in,
10 marketing or selling hair care products:

11 a. With "Moroccan Oil," "Moroccan Miracle Oil", "Moroccan Gold"
12 or "Moroccan Gold" Oil in the product name, product description or advertising, or
13 with any other confusingly similar name or mark to Plaintiff's registered trademark
14 "Moroccanoil®"; or

15 b. With a trade dress that is confusingly similar to that of Plaintiff's
16 "Moroccanoil® Oil Treatment", including any product that utilizes a front label that
17 states the manufacturer's name in white lettering placed vertically up the left side; or

18 c. By utilizing incorrect statements or bait and switch tactics to
19 unfairly compete with Plaintiff by:

20 (i) incorrectly representing or suggesting to customers that
21 Defendants' "Moroccan Miracle Oil" treatment product is
22 "Moroccanoil" or "Moroccan Oil",

23 (ii) communicating to customers that Defendants' product is
24 manufactured, distributed or endorsed by Plaintiff;

25 (iii) utilizing any "bait and switch" tactic to represent incorrectly
26 to salon customers that Defendants carry "Moroccanoil" or
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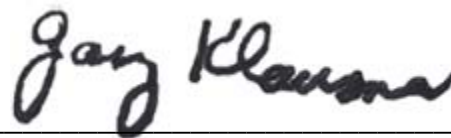
- 1 “Moroccan Oil” products and supplying substitute products
2 without identifying the source of the goods supplied;
3 (iv) communicating to customers that Defendants’ product is the
4 “original”; or
5 (v) communicating to customers that Plaintiff’s product(s) is a
6 “fake” or a “copy”; or

7 d. By soliciting, assisting, aiding, or abetting any other person or
8 business entity in engaging in or performing any of the activities referred to in
9 subparagraphs (a) through (c) above.

10 3. The bond submitted, plus any interest earned on the prior cash deposit
11 posted as security for the Preliminary Injunction dated December 9, 2008, is exonerated
12 and shall be released and any money is to be paid to Moroccanoil, Inc. c/o Conkle,
13 Kremer & Engel, PLC, 3130 Wilshire Boulevard, Suite 500, Santa Monica, CA 90403.

14 4. All remaining claims between the parties in this matter are hereby
15 dismissed with prejudice.

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17 DATED: August 20, 2009

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21 HON. R. GARY KLAUSNER,
22 UNITED STATES DISTRICT COURT JUDGE
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26 cc: FISCAL
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